

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Commercial Taxes Department – Sri M. Rambabu, Deputy Commissioner (CT), Abids Division, Hyderabad – Involved in ACB Trap case on the allegation of demanding and acceptance of bribe while he was working as Deputy Commercial Tax Officer, Visakhapatnam – Sanction accorded to prosecute the Officer – Acquitted by the Hon'ble III rd Addl. District Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam – Further action dropped – Suspension period treated as "not duty" – O.A. filed – Hon'ble APAT Orders Issued – Suspension period regularized as duty without break for the purpose of extending other benefits excluding back wages and for payment of salary w.e.f. 21.09.1996 to 03.01.1997 i.e., from the date of acquittal in the Trial Court to the date of reinstatement – Orders – Issued.

REVENUE (VIG.I) DEPARTMENT

G.O. (Rt.) No. 1729.

Dt.23.12.2010.

Read the following:-

- 1) G.O. Rt. No.1809, Revenue (CT.I) Deptt., dt.27.11.1992.
- 2) Hon'ble III rd Addl. District Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam judgment, dt.21.09.1996 in CC No.2/93.
- 3) G.O. Rt. No.1, Revenue (Vig.I) Deptt., dt.02.01.2006.
- 4) G.O. Rt. No.2, Revenue (Vig.I) Deptt., dt.02.01.2006.
- 5) Sri M. Rambabu, DC (CT) Representation, dt.05.09.2009.
- 6) Memo No.11329/Vig.I(1)/2009-1, dt.16.11.2009.
- 7) Hon'ble APAT Orders, dt.20.10.2010 in O.A. No.6097/2010 filed by Sri M. Rambabu, DC (CT), Abids Division, Hyderabad.
- 8) Sri M. Rambabu, DC (CT), Abids Division, Hyderabad Representation, dt.09.11.2010.
- 9) Repn. Of Sri M. Rambabu, dt.03.12.2010 & Undertaking, dt.10.12.2010 submitted by Sri M. Rambabu, DC (CT), Abids Division, Hyderabad.

...

ORDER:

Whereas in the reference first read above, sanction was accorded to prosecute Sri M. Rambabu, formerly Deputy Commercial Tax Officer, Visakhapatnam, presently Deputy Commissioner (CT), Abids Division, Hyderabad in a Court of Law on the allegation of moral turpitude i.e., demanding and acceptance of bribe.

2) And whereas in the reference second read above, the Hon'ble III rd Addl. District Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam in his judgment, dt.21.09.1996 in CC No.2/93 acquitted Sri M. Rambabu, formerly Deputy Commercial Tax Officer, Visakhapatnam found him not guilty of the charges.

3) And whereas in the reference third read above, further action was dropped against Sri M. Rambabu, formerly Deputy Commercial Tax Officer, Visakhapatnam, as he has not found guilty by the Hon'ble Court for ACB Cases, Visakhapatnam and in the reference fourth read above, his suspension period i.e., from 24.11.1992 to 22.01.1993 and from 19.07.1993 to 03.01.1997 was treated as "not on duty".

4) And whereas in the reference fifth read above, Sri M. Rambabu, Deputy Commissioner (CT) has requested the Government to regularize his suspension period from 24.11.1992 to 22.01.1993 and from 19.07.1993 to 03.01.1997 as on duty for all the purposes under FR 54-B (3) and in the reference sixth read above, the said request of the individual was rejected by the Government.

P.T.O.

::2::

5) Aggrieved by the above, Sri M. Rambabu, Deputy Commissioner (CT) has approached the Hon'ble A.P. Administrative Tribunal, Hyderabad by filing O.A. No.6097/2010 with a prayer to direct the respondents to treat his suspension period as on duty for all purposes.

6) And whereas in the reference seventh read above, the Hon'ble A.P. Administrative Tribunal, while setting aside the orders issued in G.O. Rt. No.2, Revenue (Vig.I) Department, dt.02.01.2006 directed the respondents to treat the period of suspension of the applicant as duty and to pay full pay and allowances.

7) And whereas in the reference eighth read above, Sri M. Rambabu, Deputy Commissioner (CT) has requested the Government to treat his suspension period from 24.11.1992 to 22.01.1993 and from 19.07.1993 to 03.01.1997 as duty with full pay and allowances with all consequential benefits, etc., as ordered by the Hon'ble A.P. Administrative Tribunal.

8) Now, in the reference ninth read above, Sri M. Rambabu, Deputy Commissioner (CT) has submitted a fresh representation and also given an undertaking stating that he will forego the back wages (excluding the subsistence allowance already paid to him), if his suspension period is treated as service without break in service for extending other consequential benefits except back wages and requested the Government to pass orders for payment of salary w.e.f., 21.09.1996 to 03.01.1997 i.e., from the date of acquittal in the trial court to the date of his reinstatement into service and to treat the rest of the suspension period as duty without break for the purpose of extending other benefits excluding back wages.

9) Government, after careful examination of the matter in detail, decide to treat the suspension period of Sri M. Rambabu, Deputy Commissioner (CT), Abids Division, Hyderabad i.e., from 24.11.1992 to 22.01.1993 and from 19.07.1993 to 20.09.1996 as **"not on duty"** while the period from 21.09.1996 to 03.01.1997, i.e., from the date of his acquittal by the Trial Court to the date of reinstatement shall be treated as **"on duty"** for all purposes. The period spent under suspension i.e., from 24.11.1992 to 22.01.1993 and from 19.07.1993 to 20.09.1996 shall however count towards service without break for the purpose of extending other benefits excluding back wages.

10) The Commissioner of Commercial Taxes shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M. Rambabu, Deputy Commissioner (CT), Abids Division, Hyderabad
through Commissioner of Commercial Taxes, A.P., Hyderabad.
The Commissioner of Commercial Taxes, A.P., Hyderabad.

Copy to:-
The Revenue (CT.I) Department.
The Pay and Accounts Officer, Hyderabad.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER